

REMARKS

Claims 1-23 are pending. Claims 1-23 have been rejected. Claims 1, 7, 13-19, and 21-23 have been amended and claims 3 and 9 have been cancelled.

Claims 1-23 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sigler et al. (U.S. Patent No. 5,717,839) in view of Balasuriya (U.S. Patent No. 6,411,815). Applicants respectfully traverse the rejection.

For purposes of brevity, all of the comments and remarks from the Applicants' previous response are incorporated into the present Amendment and will not be repeated.

The Office Action acknowledges that the primary reference (Sigler et al.) is defective in that it fails to teach or suggest a "comparison between the first user and the other users for the priority levels and giving the floor control to the one having higher priority level." The Examiner then applies Balasuriya as a secondary reference to make up for the deficiencies of the primary reference.

The Applicants have amended the claims to further distinguish the Applicants' claimed invention over the applied references.

Claim 1 recites, *inter alia*, that the "priority levels are dynamically assigned." The Office Action then refers the Applicants to a very large portion of Balasuriya as disclosing this particular feature (Figures 3-5, and col. 5/line 64 to col. 8/line 8). The following remarks are submitted.

Figure 3 of Balasuriya discloses a logic flow diagram of steps executed by a communication system to arbitrate service requests from communication units. There is no teaching or suggestion in Figure 3 of dynamically assigning priority levels. Step 316 of Figure 3 simply asks "Is the priority level of the second service request lower than the priority level of the first service request?"

Figure 4 of Balasuriya discloses a logic flow diagram of steps executed by a secondary arbitrator. There is no teaching or suggestion in Figure 4 of dynamically assigning priority levels. There is no mention at all of the dynamic assignment of priority levels in any of steps 404 to 416.

Figure 5 of Balasuriya discloses a logic flow diagram of steps executed by a secondary arbitrator to arbitrate service requests. There is no teaching or suggestion in Figure 5 of dynamically assigning priority levels. There is no mention at all of the dynamic assignment of priority levels in any of steps 504 to 516.

Column 5, line 64 to column 7, line 15 of Balasuriya detail the operation of the logic flow diagram of Figure 3. Column 6, lines 5 to 22 discloses:

The logic flow begins (302) when a secondary arbitrator receives (304) a service request that originated from a communication unit. The secondary arbitrator then preferably stores (306) information related to the service request. Depending on the type of service request, such information would preferably include any or all of the following: a called party identifier, a calling party identifier, a priority level of the service request, a requested quality of service, and a status of the service request. For example, if a PTT request is received, a dispatch identifier (called party identifier), communication unit ID (calling party identifier), a priority level of the PTT request, and a status of the PTT request (e.g., a request pending status) would preferably be stored. Other types of service requests may indicate a quality of service such as a requested voice quality level, for example. Quality of service information is preferable stored because it affects the communication resource requirements of the service request.

Underlined above are the only references to priority level provided in reference to Figure 3. The Applicants respectfully submit that there is no teaching or suggestion of dynamically assigning priority levels.

The Applicants have reviewed the remaining portion of Balasuriya (col. 7, line 16 to col. 8, line 8) and respectfully submit that there is no teaching or suggestion of dynamically assigning priority levels.

Balasuriya appears to only deal with static, pre-established priority levels that are stored and manipulated in contrast to the priority levels of the Applicants' assigned priority levels which are dynamic and change over time.

Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claim 1 be allowed.

Claims 2 and 4-6 are dependent claims that depend upon independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features.

Claims 7 and 13-18 are independent claims that recite related subject matter to independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features.

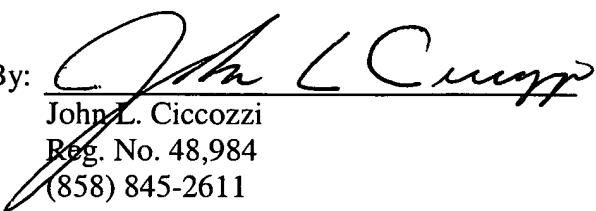
Claims 8 and 11-12 are dependent claims that depend upon independent claim 7 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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